



Transportation
Security
Administration

GUIDANCE FOR AIRPORTS APPLYING TO THE SCREENING PARTNERHSIP PROGRAM (SPP) AND TO BE QUALIFIED VENDORS (*"Rules of the Road"*)

February 16, 2005

(1) Rescinding an application to SPP.

Discussion:

Once TSA begins the Airport Task Order Request for Proposal, it would be difficult to have the airport withdraw its application. (The task order is the contractual document that TSA will issue to contract screening services at an airport.)

Allowing an airport to withdraw its application just prior to the issuance of the task order provides the flexibility for an airport to withdraw, while balancing the costs/resources incurred by the government and private contractors to complete an RFP. It also helps ensure that an airport is committed to the program.

Ruling:

An Airport may withdraw their Screening Partnership Program (SPP) application at any point up until TSA releases the Airport Task Order Request for Proposal (RFP) for that Airport. Once the Task Order RFP is released, the Airport may not withdraw its application.

(2) Airport time commitment to SPP

Discussion:

SPP transitions—from a federal to a contractor work force or from a contractor to a federal work force—carry financial and security considerations. Financially, each transition has associated one-time transition cost that can be sizeable. From a security perspective, transitions have the potential to be disruptive to the moral and well-being of the workforce. TSA seeks to minimize the potential for airports to jump in and out of the program to help minimize possible negative impacts on security or financial resources.

Ruling:

Once the Government has awarded the Airport Task Order, the Airport must remain in the program for the duration of the task order base period or option(s) if exercised, barring extenuating circumstances (see 3rd guideline). If the decision to return to federal screening is not due to a termination of contract as determined by TSA, the Airport may not reapply to the SPP program for a period of two years. An airport must notify the government of its decision not to remain in the SPP Program at least 120 days prior to the expiration of the task order base or option period of performance.

(3) Termination of contract

Discussion:

TSA administers the contract with the contractor to include the determination of adequate performance. Pursuant to ATSA, TSA has the right to terminate a contract with a contractor. Terminating the contractor does not mean that the airport needs to terminate its participation in the Screening Partnership Program.

Ruling:

If TSA determines the need to terminate the contract for default or convenience, the Airport may elect to remain in the program while TSA recompetes the screening contract or return to federal screening.

(4) Airport operator qualifying as a private screening company and competing for an airport task order.

Discussion:

TSA determined that the application process for airports to notify TSA of their intent to participate in the SPP would be open-ended. This was made in large part due to stakeholder input and Secretarial direction. Airports are able to apply to be the contractor screening company. In order to be the contractor, any private screening company, airport or otherwise, needs to meet the qualification criteria identified by ATSA and the TSA. Airports will be allowed to apply to become qualified vendors at the same time as their application to SPP. This provides flexibility for the airport, and does not force the airport to declare their interest in the program by becoming part of the qualified vendor list before applying to the program. If an airport applies to be the qualified vendor and does not pass the criteria, the airport should not have the opportunity to re-apply (beyond the standard process of requesting more information to make a determination on the current application etc.) before other vendors have the same opportunity. This will ensure fairness for all vendors.

Ruling:

An independent entity created by an airport authority for the purposes of competing for the opportunity to qualify for the QOL/QVL and to compete for task orders, will be required to submit information to TSA similar to that required of industry, as applicable. These entities will not be required to submit information under the timeline established for industry.

(5) Airport entities providing screening services

Discussion:

Airports are naturally in competition with one another for customer traffic. To ensure that there is not any possible mis-conception of competition; airports, under the interpretation of ATSA, are required to incorporate as a private screening company, submit their capabilities before the Government to be placed on the Qualified Offerors List and then compete for Task Orders.

Ruling:

If an independent entity created by an Airport authority applies to be a qualified vendor, and the Government deems they are qualified, the Airport may only compete for Task Orders at the airports under the control of that airport authority.

(6) *Airport entities providing screening services*

Discussion:

Sub-contractors that are directly involved in the screening services need to meet the same requirements as prime contractors involved in the screening services. This applies to those contractors involved in the screening services. This is important to meet ATSA, and avoid the possibility that prime contractors may escape requirements related to screening services by subbing work. TSA seeks to incent flexibility. Contractors not directly involved in screening do not need to meet the same requirements—e.g., a contractor that provides a scheduling tool that improves scheduling efficiencies.

Ruling:

All clauses flow down to sub-contractors directly involved in the screening function and they are subject to the same ATSA requirements as prime contractors.

(7) *Cost accounting systems of contractors*

Discussion:

The need for a cost-accounting system is critical for contractors to adequately capture, present and justify costs to TSA Acquisitions, TSA COTR and TSA program office. Requiring an approved cost-accounting system makes good business sense and is a standard requirement.

Ruling:

Any qualified vendor that elects to submit a proposal for a Cost-type (e.g. cost plus award fee) task order, must have a DCAA (Defense Contract Audit Agency) certified and approved accounting system.

(8) *Ability to re-open the qualification process for vendors*

Discussion:

It is in TSA's interest to have a stable of competent contractors that compete for airport task orders. This ensures that TSA is receiving the best value for contracts. Significant events may also occur that change the level of contractor interest in participating in the program. For example, the granting of the SAFETY Act would likely impact the number of companies that seek to participate in the program. Stating as policy, the government's ability to re-open the QOL/QVL process as required will provide flexibility.

Ruling:

The Government may re-open the industry QOL/QVL process as required.

(End of Document.)